

BEFORE THE IOWA DEPARTMENT OF PUBLIC HEALTH

IN THE MATTER OF:	)	DIA Case No. 08DPHES018
	)	DPH Case No. 08-06-13
	)	
Cory Pergande	)	CONSENT AGREEMENT
1536 Northwest 97 th Street	)	
Clive, IA 50325	)	
	)	
Appellant.	)	

COMES NOW the Iowa Department of Public Health ("Department") and Cory Pergande ("Appellant"), and pursuant to Iowa Code section 17A.10 and 641 Iowa Administrative Code 131.12(7) enter into the following settlement of this matter:

1. On November 11, 2008, the Department issued a Notice of Proposed Action: Revocation, directed to Appellant.
2. On December 5, 2008, Appellant requested a hearing regarding the proposed revocation.
3. The Department of Inspections and Appeals scheduled the matter for hearing on February 23, 2009. The hearing date was continued upon request of the parties.
4. Appellant hereby withdraws his request for appeal in the above-captioned matter. Execution of this Consent Agreement by all parties constitutes the resolution of this contested case. Appellant waives the right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Consent Agreement.

5. This Consent Agreement is subject to approval of the Department. If the Department approves this agreement, it becomes the final disposition of this matter. If the Department fails to approve this agreement, it shall be of no force or effect to either party.

6. This Consent Agreement shall be part of the permanent record of Appellant and shall be considered by the Department in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

7. This Consent Agreement and the Notice of Proposed Action are public records available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

8. The Department's approval of this Consent Agreement shall constitute a FINAL ORDER of the Department and constitutes final agency action in this matter.

IT IS THEREFORE ORDERED:

9. The Department rescinds the Notice of Proposed Action: Revocation issued November 20, 2008.

10. Appellant is hereby **CITED** for violating a statute of this state which relates to the provision of emergency medical care when he was convicted of Assault and Use and Display of a Dangerous Weapon, in violation of 641 IAC 131.7(2)"t". Appellant is hereby **WARNED** that failure to comply with Department statutes and rules in the future may result in future disciplinary action, including suspension or revocation of Appellant's certification to practice as an emergency medical care provider in the state of Iowa.

11. Appellant's certification # PS-05-100-08 shall be **INDEFINITELY SUSPENDED** commencing April 30, 2009, until further order of the Department.

During the entire period of suspension, the Appellant shall not utilize any designation, abbreviation, or title which implies that Appellant is certified to practice emergency medical services or otherwise hold himself out to be an emergency medical services provider. During the entire period of suspension, Appellant shall not engage in any activity or practice of emergency medical services in the State of Iowa for which certification is required.

12. Appellant may apply for reinstatement after August 19, 2009, upon satisfaction of the following conditions:

a. Appellant provides written documentation to the Department from the Department of Correctional Services that Appellant has successfully completed criminal probation in Iowa District Court for Polk County Case No. FE220813 and that such probation has been terminated.

b. Appellant submits to a comprehensive substance abuse and mental status evaluation at a facility approved by the Department to determine whether Appellant can provide emergency medical services with reasonable skill and safety. Appellant is responsible for all costs associated with this evaluation.

c. Prior to the evaluation, the approved evaluating facility shall be provided with the Notice of Proposed Action and this Agreement. The Appellant shall comply with any recommendations made by the evaluating facility. The Appellant shall provide a copy of the evaluation to the Department upon application for reinstatement.

d. Upon compliance with the above provisions, Appellant may submit an application for reinstatement to the Department pursuant to 641 Iowa Administrative Code 131.9. Appellant's certification shall be reinstated upon a showing that he has

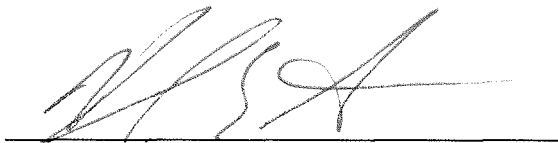
complied with the terms of this Consent Agreement and that the facility at which he receives his evaluation indicates that he is safe to provide emergency medical services with reasonable skill and safety. The burden of proof to establish such facts shall be on the Appellant.

13. Appellant agrees that following a review of his application for reinstatement the Department shall issue an Order which reinstates his certification upon his showing of compliance with the above conditions. Appellant agrees the Department may place Appellant=s certification on probation for a period of time subject to terms, conditions or restrictions only if such monitoring is recommended by the evaluating facility and deemed appropriate by the Department.

AGREED AND ACCEPTED:



Cory Pergande
APPELLANT



Kirk E. Schmitt
CHIEF, BUREAU OF EMS
IOWA DEPARTMENT OF PUBLIC HEALTH

Dated this 6 day of
May, 2009.

Dated this 18th day of
May, 2009.

Copies mailed to:

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